

Date Received
TOWN CLERK
RECEIVED
BY: MAY 16 2013
md
TOWN CLERK, ACTON



TOWN OF ACTON
MASSACHUSETTS

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BOARD OF APPEALS
(FORM 4)

PETITION FOR A SPECIAL PERMIT
TOWN CLERK, ACTON

Date Received
BOARD OF APPEALS
RECEIVED
MAY 16 2013
BY: ACTON BOARD OF APPEALS

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section 8.1.5 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow:

Construction at 12 Elm St on a single family residential structure that is on a non-conforming lot. We seek permission to obtain a special building permit to add on to the existing home as plans show in the hope that the board will find our proposed modifications not substantially more detrimental to the neighborhood than the existing structure.

OFFICE USE ONLY
SEVEN copies of petition? <u>+ CD ROM</u>
Location map? _____
Plot plans? _____
Additional briefs? _____
List of abutters and other interested parties? _____
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters?
Next Hearing Date? _____ No <u># 13-02</u>

Respectfully submitted

Signed [Signature]
(Petitioner)

Name Sheryl Fox

Address 12 Elm St.

Phone # (978) 631-4157

Signed [Signature]
(Owner of record)

Name _____

Address _____

Phone # _____

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9632
Fax (978) 264-9630

Cheryl Frazier
Board of Appeals Secretary

TO: Beacon Community Newspapers
Legal Notice Department

I hereby authorize Beacon Community Newspapers to bill me directly for the Legal Notice to be placed in connection with my permit/application on _____ in the Beacon.

Signed: 

Address: 12 Elm St

Acton, MA

Phone: (978) 631-4157

Note: This release is to be signed and submitted by the applicant to the Town at the time of initial submittal of every Permit/Application that requires Public Notice by Newspaper. Please leave the day on which date it will appear blank.



Zoning Enforcement Officer

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov
www.acton-ma.gov

May 8, 2013

Mr. & Mrs. Ted & Cheryl Fox
c/o Mr. Steve Defoe
103 Central Street
Acton, MA 01720

Re: Proposed Construction of Multiple New Additions to Existing Single Family Residential Dwelling Situated on a Nonconforming Lot
12 Elm Street, Acton, MA 01720

Dear Mr. & Mrs. Fox and Mr. Defoe,

The Planning Department has reviewed your submitted building permit application and CAN NOT approve it at this time. As described in the building permit application and the drawings submitted, the pending building permit is seeking approval to 1) enlarge the existing pantry with a crawl space located below; 2) construct a new "closet" on a slab on grade attached to the rear of the existing garage; 3) construct a new family room and enlarge the existing kitchen area to be built upon a new full height basement; and 4) construct a new farmer's porch.

As you may or may not be aware of, the subject property is located within an R-2 (Residence 2) zoning district. Property located within this zoning district typically requires a minimum of 150'-0" of lot frontage and a minimum of 20,000 square feet of lot area. Unfortunately, the subject property does not comply with the minimum lot frontage requirement. The subject property in question currently has 108'-10" of lot frontage. The lot is however, 33,000 square feet in lot area. There are multiple pieces of property with similar circumstances located throughout town. These types of properties (12 Elm Street included) are known as and referred to as "Nonconforming Lots". Section 8 of the Town of Acton's Zoning Bylaw governs Nonconforming properties. More specifically, the following subsection of the Bylaw is applicable in this instance when beginning the building permit review process:

8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.

Information obtained from the Town of Acton Property Assessor's Office, indicates that the existing structure currently consists of approximately 3,552 square feet of Gross Floor Area (First Floor – 1,032 ft², Second Floor – 1,012 ft², Three Quarter Story – 576 ft², Basement – 932 ft²). In order to permit any

“extension, alteration or change” administratively as of right, the overall maximum permitted size of said proposal could not exceed a cumulative total of 532.8 square feet (15%). As previously noted, the building permit currently submitted seeks approval to construct multiple additions which cumulatively easily exceed the 15% maximum permitted. The overall proposal exceeds the maximum size permitted, and as a result, I CAN NOT approve the building permit as currently submitted.

Therefore, should you wish to continue to pursue the submitted building permit application, there are two options available to you. The options are as follows and you may select either one:

Option 1 – Section 8.1.5 of the Zoning Bylaw becomes applicable and it states the following:

8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.

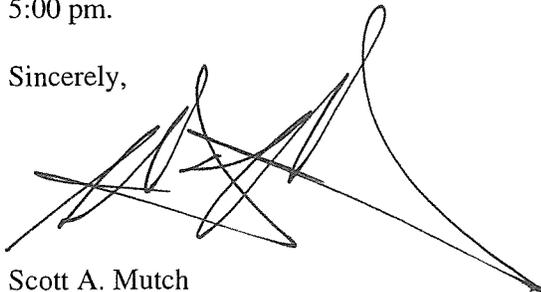
This option presumes that the application submitted to the Zoning Board of Appeals would look identical in nature to the building permit currently submitted to the Town for review. Should the Zoning Board of Appeals approve such a Special Permit for the larger overall footprint and square footage, then you would be permitted to continue to move forward with the building permit application.

Zoning Board of Appeals applications for Special Permits may be obtained by contacting Cheryl Frazier, Secretary for the Zoning Board of Appeals, at (978) 929-6443 or cfrazier@acton-ma.gov during regular business hours.

Option 2 – You may modify the submitted building permit drawings to reduce the overall size of the proposed structure to comply with the maximum permitted dimensional requirements and then resubmit the plans for further staff review.

If you have any questions, comments or concerns regarding this matter, please feel free to contact our office at (978) 929-6631, Monday through Friday (except holidays) between the hours of 8:00 am and 5:00 pm.

Sincerely,



Scott A. Mutch
Zoning Enforcement Officer & Assistant Town Planner



Town of Acton
 472 Main Street
 Acton, MA 01720
 Telephone (978) 929-6621
 Fax (978) 929-6340

Brian McMullen
 Assessor

Locus: 12 Elm Street
Parcel: E2/228

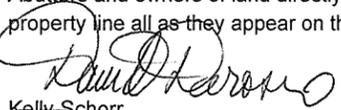
Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	
E2-178	1 SENECA CT	GRAHAM SANDRA K	GRAHAM LEE J	1 SENECA CT	ACTON,	MA 01720
E2-178-1	3 SENECA CT	CARSON WILLIAM C	TRUDI J	3 SENECA CT	ACTON,	MA 01720
E2-178-6	2 SENECA CT	ARMSTONG DONALD P	ARMSTONG LYNN M	2 SENECA CT	ACTON,	MA 01720
E2-178-7	4 SENECA CT	SMITH KORD S	SMITH ANN H	4 SENECA CT	ACTON,	MA 01720
E2-192	22 ELM ST	22 ELM STREET LLC		22 ELM ST	ACTON,	MA 01720
E2-192-2	20 ELM ST	STARR ANDREA		22 ELM ST	ACTON,	MA 01720
E2-234	14 ELM ST	GABRIELLI GABRIEL		14 ELM ST	ACTON,	MA 01720
E2-235	6 ELM CT	AMMENDOLIA NICHOLAS A.	AMMENDOLIA KATHLEEN A	6 ELM CT	ACTON,	MA 01720
E2-241	16 ELM ST	AMMENDOLIA ANTHONY J.	AMMENDOLIA ANNE W.	16 ELM STREET	ACTON,	MA 01720
E2-243	5 ELM CT	DAVIS FRANCES H		5 ELM COURT	ACTON,	MA 01720
E2-247	7 ELM ST	TOWN OF ACTON		472 MAIN STREET	ACTON,	MA 01720
E2-248	18 ELM ST	LEGER NANCY M		18 ELM ST	ACTON,	MA 01720
E2 240 111	11 ELM ST UNIT 1	ANTONELLI KEVIN M	PATTON CINDY A	11 ELM STREET #1	ACTON	MA 01720
E2 240 112	11 ELM ST UNIT 2	TAYLOR KATHLEEN E	AGNES TAYLOR	11 ELM STREET NO 2	ACTON	MA 01720
E2 240 113	11 ELM ST UNIT 3	DHILLA ESMAIL F	DHILLA MUNIRA E	11 ELM ST UNIT 3	ACTON	MA 01720
E2 240 114	11 ELM ST UNIT 4	HAHN VIRGINIA C	VIRGINIA C HAHN 2005 REV TRUST	11 ELM ST UNIT 4	ACTON	MA 01720
E2 240 115	11 ELM ST UNIT 5	GODOY ROBERT	GODOY ROSARIO MORENO	11 ELM ST UNIT 5	ACTON	MA 01720
E2 240 116	11 ELM ST UNIT 6	ALLARD PATRICIA L		PO BOX 2874	ACTON	MA 01720
E2 240 117	11 ELM ST UNIT 7	MOORE MARSHALL P		11 ELM ST UNIT 7	ACTON	MA 01720
E2 240 118	11 ELM ST UNIT 8	BLUE BIRD TRUST	C/O MARY BLANCHETTE	80 JARMAN ROAD	SUDBURY	MA 01776
E2 240 301	3 ELM ST UNIT 1	PAREKH KETAN	PAREKH HEMALI	3 ELM ST UNIT 1	ACTON	MA 01720
E2 240 302	3 ELM ST UNIT 2	BRAUM THOMAS J		22 HIGH STREET	MEDFIELD	MA 02052
E2 240 303	3 ELM ST UNIT 3	TAMBURINO AMY		3 ELM ST UNIT 3	ACTON	MA 01720
E2 240 304	3 ELM ST UNIT 4	SMITH NORMA P		3 ELM ST UNIT 4	ACTON	MA 01720
E2 240 305	3 ELM ST UNIT 5	DAVIES DONNA J		3 ELM ST #5	ACTON	MA 01720
E2 240 306	3 ELM ST UNIT 6	EBERLY BARRY L		3 ELM ST UNIT 6	ACTON	MA 01720
E2 240 307	3 ELM ST UNIT 7	LU YUN		3 ELM ST UNIT 7	ACTON	MA 01720
E2 240 308	3 ELM ST UNIT 8	SUBRAMONY SENAPATHY		191 WEST WYOMING AVE	UNIT 5 MELROSE	MA 01720
E2 240 501	5 ELM ST UNIT 1	SOAR ELIZABETH	C/O ELIZABETH ORCUTT	12 CANTERBURY LN	GROTON	MA 01450
E2 240 502	5 ELM ST UNIT 2	HOEY PATRICK TRUSTEE	PBH MIDDLESEX REALTY TRUST	23 RIVER ST	BYFIELD	MA 01922
E2 240 503	5 ELM ST UNIT 3	VACEK MARTIN	VACEK IVANNA	5 ELM ST UNIT 3	ACTON	MA 01720
E2 240 504	5 ELM ST UNIT 4	ABREU HUDSON X	ABREU REGINA C	5 ELM ST UNIT 4	ACTON	MA 01720
E2 240 505	5 ELM ST UNIT 5	ZENG SHENGYOU		5 ELM ST UNIT 5	ACTON	MA 01720

Brian McMullen
Assessor

Locus: 12 Elm Street
Parcel: E2/228

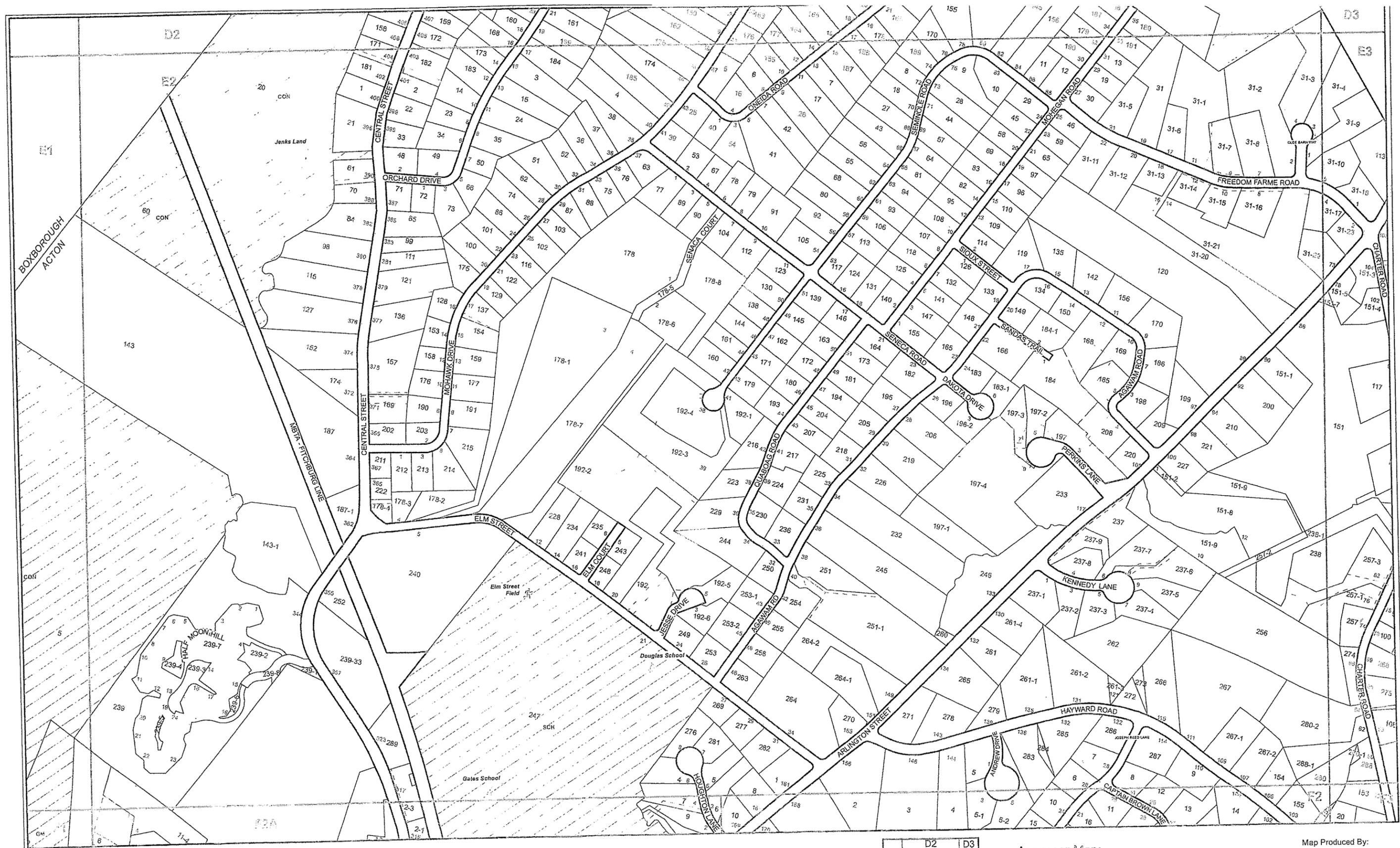
Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	
E2 240 506	5 ELM ST UNIT 6	FOX NANCY KAY		5 ELM STREET #6	ACTON	MA 01720
E2 240 507	5 ELM ST UNIT 7	WEAVER STERLING L		7 HARDWOOD HILL	MONROE C. PITTSFORD	NY 14534
E2 240 508	5 ELM ST UNIT 8	POKROVSKI ANDREW		5 ELM ST UNIT 8	ACTON	MA 01720
E2 240 701	7 ELM ST UNIT 1	SANYAL JHILAM		7 ELM ST UNIT 1	ACTON	MA 01720
E2 240 702	7 ELM ST UNIT 2	BURROWS JOAN		7 ELM STREET #2	ACTON	MA 01720
E2 240 703	7 ELM ST UNIT 3	MURPHY CYRIL J		7 ELM ST UNIT 3	ACTON	MA 01720
E2 240 704	7 ELM ST UNIT 4	LEUNG THOMAS SAI HONG	LEUNG TINA HSUI MAN	7 ELM ST UNIT 4	ACTON	MA 01720
E2 240 705	7 ELM ST UNIT 5	LIU XIANGHAI	QU FENG	236 PARKER STREET	ACTON	MA 01720
E2 240 706	7 ELM ST UNIT 6	DEABREU MARLENE		7 ELM ST UNIT 6	ACTON	MA 01720
E2 240 707	7 ELM ST UNIT 7	DOHERTY SHARON B		7 ELM ST UNIT 7	ACTON	MA 01720
E2 240 708	7 ELM ST UNIT 8	PAIGE WILLIAM H		7 ELM ST UNIT 8	ACTON	MA 01720
E2 240 901	9 ELM ST UNIT 1	PRENDERGAST REBECCA A		9 ELM ST UNIT 1	ACTON	MA 01720
E2 240 902	9 ELM ST UNIT 2	CUSHMAN GEORGE P JR		9 ELM ST UNIT 2	ACTON	MA 01720
E2 240 903	9 ELM ST UNIT 3	DJW SONG LLC		4 LISA LN	ACTON	MA 01720
E2 240 904	9 ELM ST UNIT 4	CURRAN THOMAS J	CURRAN KATHLEEN M	9 ELM ST UNIT 4	ACTON	MA 01720
E2 240 905	9 ELM ST UNIT 5	SIEGEL HOWARD D		180 BEACON ST 7A	BOSTON	MA 02116
E2 240 906	9 ELM ST UNIT 6	SIEGEL HOWARD D		180 BEACON STREET 7A	BOSTON	MA 02116
E2 240 907	9 ELM ST UNIT 7	VIGNA ANTHONY M	VIGNA SABRINA A	9 ELM ST UNIT 7	ACTON	MA 01720
E2 240 908	9 ELM ST UNIT 8	UTT RICHARD W	UTT MARY H	9 ELM ST UNIT 8	ACTON	MA 01720

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

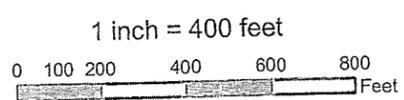

Kelly Schorr
Acton Assessors Office

DAVID DEROSIER

5/15/2013



- LEGEND**
- Rivers & Streams
 - Easements
 - Target Map Parcels
 - Adjacent Map
 - Building
 - Water Bodies
 - 10-5 Parcel Number
 - 21 Street Address
 - ⊘ Municipal Land



Town of Acton
MASSACHUSETTS

	D2	D3
E1	E2	E3
F1	F2	F3

Assessor Map:
E2

Parcel boundaries shown on this map are for assessment and planning purposes only.

Map Produced By:
 February 2013